

REMARKS

Claims 1-5 and 7-29 are pending in the present application. Claim 6 has been canceled. Claims 1, 3, 7-10, 12, 14, and 16 have been amended. Claims 1, 16, and 17 are independent claims. The Examiner is respectfully requested to reconsider the rejections in view of the above amendments and the following remarks.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 17-23, 25, 26, 28, and 29 as being allowable if rewritten in independent form. However, in view of the fact that claim 17 has previously been amended as an independent claim, Applicants respectfully submit that claims 17-23 are currently in condition for allowance.

Interview on February 8, 2006

Applicants wish to thank Examiner Anabel Ton for taking the time to discuss the application with Applicants' representative, Jason Rhodes, during the personal interview conducted on February 8, 2006. The substance of the interview is provided below.

Substance of the Interview

Identification of claims discussed: claims 1 and 16 were discussed.

Identification of prior art discussed: U.S. Patent Publication 2003/0110649 to Fredericks et al. (hereafter "Fredericks"); U.S. Patent No. 6,462,669 to Pederson (hereafter "Pederson").

Identification of proposed amendments: Claims 1 and 16 have been amended above in accordance with the proposed amendments.

General results: Agreement was reached that the proposed amendments would overcome the current prior art rejections based on Fredericks and Pederson. However, the Examiner stated that upon entry of the amendments, an update search would be performed. During a subsequent telephone conversation with Applicants' representative, the Examiner further indicated that the proposed claim amendments would be entered after final.

Rejection Under 35 U.S.C. § 102

Claims 16, 24, and 27 stand rejected under 35 USC § 102(b) as being anticipated by Fredericks. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As amended, claim 16 recites that "each side-emitting LED emits light around its optical axis such that radiant intensity peaks in the range of 60-100 degrees off the optical axis." Applicants submit that Fredericks fails to disclose such an LED.

Furthermore, Applicants point out that, in the Amendment filed September 29, 2005, an argument was made with respect to the claimed "side-emitting LED" of claim 16. Specifically, it was argued that the art-recognized meaning of this term was "an LED that directs light substantially 90 degrees off the optical axis in a 360 degree rotationally symmetrical pattern" (hereafter "argued meaning") However, Applicants respectfully submit that the present amendment to claim 16 provides a more accurate description of "side-emitting LED," as recognized within the art. Accordingly, to the extent that the argued meaning might be deemed inconsistent with the current amendment, Applicants submit that the current amendment should control.

Since Fredericks fails to teach each and every element in claim 16, Applicants submit that claim 16 is now in condition for allowance. Further, it is respectfully submitted that claims 24 and 27 are allowable at least by virtue of their dependency on claim 16. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 1-4 and 15 stand rejected under 35 USC § 103(a) as being unpatentable over Pederson. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As amended, independent claim 1 now recites that the device “is mountable within the wingtip of multiple types of aircraft without modifying the wingtip.” Applicants respectfully submit that Pederson fails to teach or suggest this feature.

At least for this reason, Applicants respectfully submit that claim 1 is now in condition for allowance. Further, Applicants submit that claims 2-4 and 15 are allowable at least by virtue of their dependency on claim 1. Accordingly, reconsideration and withdrawal of this rejection is requested.

Claims 5-14 stand rejected under 35 USC § 103(a) as being unpatentable over Pederson in view of European Patent Application Publication EP 1168902 A2 to Bushell et al. (hereafter “Bushell”). Applicants submit that Bushell fails to remedy the deficiencies of Pederson set forth above in connection with independent claim 1. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Entry of this Amendment After Final is respectfully requested. In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

However, should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

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Respectfully submitted,

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